

EXHIBIT C

II. PARTIES

2. Plaintiff, HACIENDA MIS PADRES MEXICAN GRILL CORP (“Hacienda”), is a Texas corporation doing business in Harris County, Texas.
3. Plaintiff, JUAN RODRIGUEZ, is an individual and owner of real property located at 5104 Highway 105 W., Conroe, Texas, the Property subject of this suit.
4. Defendant EVANSTON INSURANCE COMPANY, AN ILLINIOIS CORPORATION D/B/A EVANSTON INSURANCE COMPANY F/K/A ESSEX INSURANCE COMPANY D/B/A, ESSEX INSURANCE SERVICES D/B/A, ESSEX INSURANCE SERVICES, INC. (“Essex”) is a foreign company doing business of insurance in the state of Texas. This Defendant may be served with process by serving its registered agent in the State of Texas whose name and address is as follows:

Evanston Insurance Company, An Illinois Corporation d/b/a Evanston Insurance
Company f/k/a Essex Insurance Company d/b/a, Essex Insurance Services d/b/a, Essex
Insurance Services, Inc.
Ten Parkway North
Deerfield, Illinois 60015
c/o the Commissioner of the Texas Department of insurance
at 333 Guadalupe, Austin, Texas 78701.

5. Defendant MARKEL INCORPORATED services Evanston f/k/a Essex’s obligation to pay costs of defense under its policies of liability insurance. Markel may be served with process at:

Markel Service, Incorporated
Ten Parkway North
Deerfield, Illinois 60015
c/o the Commissioner of the Texas Department of Insurance at
333 Guadalupe
Austin, Texas 78701-3938

III. VENUE & JURISDICTION

6. Venue for this suit for indemnification is proper in Montgomery County, Texas pursuant to Texas Civil Practice & Remedies Code section 15.002. A substantial part of the events or omissions that give rise to Plaintiffs' claims occurred in Montgomery County.
7. This Court has jurisdiction in this case because the amount in controversy is within the jurisdictional limits of this Court and the Defendant is doing business in the state of Texas.

IV. FACTS

8. Essex issued a policy of Liability Insurance to 3J CONSTRUCTION LLC (3J Construction) to cover the work performed in Conroe for Plaintiffs. (Exhibit A).
9. Defendant's insured, 3J Construction, is a domestic limited liability company doing business in Houston, Harris County, Texas, and has a default judgment rendered against it in the underlying case (Juan Rodriguez & Hacienda Mis Padres Mexican Grill Corp v. Interlink Consortium Corp. d/b/a Link International Design and 3J Construction LLC)(the "underlying case" Exhibit B), in favor of your Plaintiff.
10. Defendant's insured, JOSE GARCIA, Individually and d/b/a JG CONSTRUCTION ("Garcia"), is an individual residing and doing business in Houston, Harris County, Texas and has a default judgment rendered against him in this case. (Exhibit B).
11. Plaintiff is the owner and developer of real property located at 5104 Highway 105 W., Conroe, Texas (the "Property"). On or about June 3, 2013, Plaintiff hired one of the Defendants in the underlying case, Link International Design ("Link"), as general contractor to renovate the Property for the total sum of \$250,000. This amount included complete design and renovation of the restaurant as set forth in the plans and computer renderings provided by Defendant. As the project commenced, Link submitted additional

change orders, bringing the final contract price to \$272,217. Pursuant to draw requests, Plaintiff has paid Link \$276,925 to date.

12. Upon information and belief, Link hired one of the Defendants in the underlying case, 3J Construction and/or Jose Garcia d/b/a JG Construction ("3J") as the project manager and/or primary contractor performing and overseeing all phases of the project. Jose Garcia is the sole member of 3J Construction.
13. 3J's negligence and poor workmanship caused damage to the Property. 3J designed and constructed an addition to the patio of the restaurant but failed to design and install the proper drainage for the patio. This caused water to pool on the patio. Tile and stone installed by 3J fell from the walls and needed to be replaced. When the Plaintiff hired another contractor to complete and repair 3J's work, additional damage and poor workmanship was discovered.
14. Plaintiffs filed suit in the 129th District Court of Harris County, Texas against Defendant's insured, 3J Construction, LLC.
15. 3J Construction LLC and Jose Garcia were served with service on May 22, 2014. (Exhibit D).
16. A default judgment was rendered against 3J Construction LLC and Jose Garcia by the 129th District Court of Harris County, Texas.
17. That judgment was made final when Plaintiffs severed it from the rest of the lawsuit. (Exhibit C).

V. DUTY TO INDEMNIFY

18. Plaintiff incorporates the facts contained in paragraphs 8 through 13 above.

19. Defendant has a duty to satisfy the judgment against its insured, 3J Construction, as 3J has a final judgment against it, and make payment directly to Plaintiff as the judgment holder (Exhibit B & Exhibit C).
20. The general rule in Texas is that injured parties can sue the tortfeasor's insurer directly once a final judgment is secured. See, e.g., *Angus Chemical Co. v. IMC Fertilizer, Inc.*, 939 S.W.2d 138 (Tex. 1997) (per curiam); *Great American Ins. Co. v. Murray*, 437 S.W.2d 264, 265 (Tex. 1969). See also, *Aviles v. Aguirre*, 292 S.W.3d 648, 649 (Tex. 2009) (per curiam); *State Farm County Mut. Ins. Co. of Texas v. Ollis*, 768 S.W.2d 722, 723 (Tex. 1989) (per curiam).

VI. REQUEST FOR DISCLOSURE

21. Under Texas Rule of Civil Procedure 194, Defendants is requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2(a) - (l).

VII. PRAYER

22. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant Plaintiffs a Judgment against Defendants for:
- a. Actual damages in the amount of at least \$165,702.22 plus \$10,000 in attorney's fees as determined by the default judgment;
 - b. Pre and post judgment interest;
 - c. Such other and further relief, both general and special, at law and in equity, to which Plaintiffs may show themselves to be justly entitled.

Respectfully Submitted,

THE CROMEENS LAW FIRM, PLLC

By: /s/ Christa Boyd

KARALYNN CROMEENS

SBN: 24045726

CHRISTA BOYD

SBN: 24067523

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Houston, Texas 77024

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Karalynn@thecromeenslawfirm.com

CBoyd@thecromeenslawfirm.com

ATTORNEYS FOR PLAINTIFFS



ACORD **CERTIFICATE OF LIABILITY INSURANCE** Form No. 101-101-101-101

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AUTOMATICALLY REINSTATE OR RESTORE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE INSURED (INSURED), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDED/JOINT/OTHER, the policy(ies) must be attached. If SUBROGATION IS INVOLVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A completed and signed certificate must be filed with the certificate holder by the date indicated.

PRODUCER (Name, Address, City, State, ZIP) 11310 BELLAIR BLVD C20 HOUSTON, TX 77037	INSURED (Name, Address, City, State, ZIP) J J CONSTRUCTION LLC 9287 ROCKY VALLEY HOUSTON, TX 77037
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COVERAGE (Type of Coverage, Amount, Deductible, etc.)

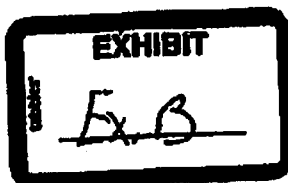
COVERAGE	AMOUNT	DEDUCTIBLE	OTHER
General Liability	\$1,000,000	\$100,000	
Product Liability	\$1,000,000	\$100,000	
Completed Operations	\$1,000,000	\$100,000	
Automobile Liability	\$1,000,000	\$100,000	
Umbrella	\$1,000,000	\$100,000	

CERTIFICATE HOLDER **CANCELLATION**

LA HACIENDA
5104 W DAVIS
CONROE, TX 77343

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED FOR ANY REASON, THE CERTIFICATE HOLDER SHALL BE ADVISED BY THE PRODUCER OR AUTHORIZED REPRESENTATIVE.

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8/17/2016 4:39:21 PM
Chris Dardot - District Clerk Harris County
Envelope No. 6530007
By: JONATHAN PATTON
Filed: 8/17/2016 4:39:21 PM

Cause No. 2013-71534

**JUAN RODRIGUEZ &
HACIENDA MIS PADRES MEXICAN
GRILL CORP.**
Plaintiff

IN THE DISTRICT COURT

HARRIS COUNTY, TEXAS

v.

**INTERLINK CONSORTIUM CORP.
d/b/a LINK INTERNATIONAL
DESIGN, 3J CONSTRUCTION LLC,
And JOSE GARCIA**
Defendants

129th JUDICIAL DISTRICT

**INTERLOCUTORY
DEFAULT JUDGMENT**

At the hearing of this cause, Plaintiffs **JUAN RODRIGUEZ & HACIENDA MIS PADRES MEXICAN GRILL CORP** appeared through their Attorney of Record, Defendants, **3J CONSTRUCTION LLC**, and **JOSE GARCIA**, Individually and d/b/a **JG Construction**, having been duly, legally, and regularly cited and served with process, said Citation with officers return thereon having been on file with the Clerk of this Court for more than ten (10) days exclusive of the date of filing and of this date of signing, failed to appear and wholly made default.

The Court has considered the pleadings, official records on file in this cause, and the evidence and is of the opinion that Judgment should be rendered for Plaintiffs.

1. THE COURT ORDERS that Plaintiffs **JUAN RODRIGUEZ & HACIENDA MIS PADRES MEXICAN GRILL CORP** recover from Defendants **3J CONSTRUCTION LLC**, and **JOSE GARCIA**, Individually and d/b/a **JG Construction**, jointly and severally, the sum of \$165,702.22, prejudgment interest on that sum at the annual rate of 5% from the date the lawsuit was filed, post judgment interest on the total sum at the annual rate of 5%, court costs, and attorney fees in the amount of ~~\$25,948.71~~ ^{\$10,000} for the prosecution of this case.

2. Additionally, Plaintiff is awarded the conditional amount of \$10,000.00 should Plaintiff prevail in any appeal to the Court of Appeals; an additional \$10,000.00 should a Motion for Rehearing or a Petition for Review to be filed in the Texas Supreme Court; and an additional \$10,000.00 should the Texas Supreme Court grant any such Petition for Review.

SIGNED on the 6 of October, 2015.

PRESIDING JUDGE

RECORDER'S REMARKS
This instrument is of poor quality
at the time of recording



3/15/2016 11:16:00 AM
Chris Daniel - District Clerk Harris County
Envelope No. 914917
By: JONATHAN PATTISON
Filed: 3/15/2016 11:16:00 AM

Pgs: 1

Cause No. 2013-71534

4B

**JUAN RODRIGUEZ &
HACIENDA MIS PADRES MEXICAN
GRILL CORP.**
Plaintiff

IN THE DISTRICT COURT

2013-71534

5

v.

HARRIS COUNTY, TEXAS

**INTERLINK CONSORTIUM CORP.
d/b/a LINK INTERNATIONAL
DESIGN and 3J CONSTRUCTION LLC**
Defendant

1290 JUDICIAL DISTRICT

ORDER ON PLAINTIFFS' MOTION TO SEVER

On this date was set for submission Plaintiffs' Motion to Sever Plaintiffs' Claims against 3J Construction LLC, thereby allowing the interlocutory default judgment against 3J Construction to become final.

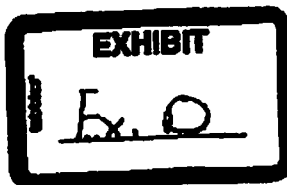
The Court, after considering the motion, and any responses, finds that the Plaintiffs' Motion should be granted. It is thereby ORDERED that the Clerk will docket the severed cause under the new docket number, 2013-71534-A, and transfer to that cause number certified copies of the following: Plaintiffs' Second Amended Petition; Plaintiffs' Motion for Default and this Court's order granting an interlocutory default judgment. Plaintiffs shall bear the costs.

It is therefore ordered that Plaintiffs' Motion is GRANTED, and ORDERED as stated above.

Dated _____

Signed: *Michael Roney*
5/10/2016
Judge Presiding

EXHIBIT C



THE STATE OF TEXAS
CAUSE NO. 2013-71534

HACIENDA MIS PADRES MEXICAN GRILL CORP.
VS.
INTERLINK CONSORTIUM CORP.

IN THE 129TH JUDICIAL
DISTRICT COURT OF
HARRIS COUNTY, TEXAS

AFFIDAVIT

Before me, the undersigned authority, personally appeared JACK ADDISON, JR who swore under oath that the following facts are true and correct:

"My name is Jack Addison, JR. My date of birth is August 14, 1973. I am an authorized private process server in matters pending in the STATE OF TEXAS. IDENTIFICATION NO. SCH 0000001354. Expiration Date 7/31/17.

I am an employee of Action Process.

My business address is P. O. Box 132042, Houston, Texas 77219. (mailing address)

My physical address is 26450 4th Terrace, Splendora, Texas 77372

My business phone is 281 359-1621.

I am not a party to this case, nor am I related to, employed by or otherwise connected to (other than having been retained to serve process in this case) any party or any party's attorney in this case, and I have no interest in the outcome of this lawsuit.

I am over the age of 18 years. I am of sound mind and have never been convicted of a felony or misdemeanor involving moral turpitude.

I received the above styled CITATION CORPORATE on MAY 22, 2014 at 11:17 am

I delivered a copy of the above styled CITATION CORPORATE with PLAINTIFF'S 1ST AMENDED PETITION, REQUEST FOR DISCLOSURE and EXHIBIT A-B attached to:

3 J CONSTRUCTION LLC through registered agent-JOSE GARCIA at 9207 ROCKY VALLEY, HOUSTON, TEXAS 77083 by POSTING a copy at the above address on 8-28-14 @ 11:50 am. according to the ORDER AUTHORIZING SUBSTITUTED SERVICE.

A copy was also mailed by certified mail # 70092256000198916685 on AUGUST 28, 2014. It was not delivered. Print off from Postal Service stated No Authorized Recipient Available. The green card has not been returned.

A copy was sent by regular mail on August 28, 2014. It was not returned.


Jack Addison, JR

BEFORE ME, a notary public, on this day personally appeared, JACK ADDISON who is personally known to me to be the person whose name is subscribed to the foregoing document and being by me first duly sworn, declared under oath that the statements therein contained are true and correct. Given under my hand and seal of office on this 7 day of October 2014.


Notary Public in and for the State of Texas



EXHIBIT C

7/11/16

FILED NUMBER 9.02
 TRANSFER NO. 72017439 CTS

CAUSE NUMBER 201372534

PLAINTIFF: NACCECA HIS BROTHER MEDICAL SKILL CORP
 vs.
 DEFENDANT: INTERIOR CONNECTION CORP (USA) LITIG. INTERNATIONAL
 In The 328th
 Judicial District Court of
 Harris County, Texas

CITATION CORPORATE

THE STATE OF TEXAS
 County of Harris

TO: 3 J CONSTRUCTION LLC (3 J CONSTRUCTION) BY SERVING ITS REGISTERED AGENT
 JORGE GARCIA
 OR WHATEVER HIM MAY BE INVOLVED
 9307 ROCKY VALLEY EQUESTRIAN TR 77083

Attached is a copy of PLAINTIFF'S FIRST AMENDED PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on the 11th day of May, 2014, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SERVED; you may employ an attorney. If you or your attorney do not file a written answer with the District Clerk to be issued this citation by 10:00 a.m. on the Monday next following the expiration of 30 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This Citation was issued under my hand and seal of said Court, in Houston, Texas, this 14th day of May, 2014.

Issued at request of:
 CROSBY, KARLA/YNTH CANTRELL 2nd
 1413 3317720092 ROAD
 HOUSTON, TX 77043
 Tel: (713) 728-7230
 Bar Number: 24045726



Chris Daniel
 CHRIS DANIEL, District Clerk
 Harris County, Texas
 201 Caroline, Houston, Texas 77002
 P.O. Box 4652, Houston, Texas 77210

Generated by: H.L. MARCULA DIANA CSD/7702415

CITATION/AUTHORIZED PERSON RETURN

I received this citation on the 22nd day of May, 2014, at 10:00 o'clock A.M., and read the due of delivery thereon, and executed it at 9267 Rocky Valley, Houston, Texas 77083 (name address) (city)

in Harris County, Texas on the 28 day of August, 2014, at 10:50 o'clock A.M., by delivering to 3 J Construction LLC (the defendant considered served in default) (Postcard on Door According to Registered Agent) (signature)

in person, whose name is Jose Garcia (registered agent, president, or vice president)

a true copy of this citation, with a copy of the Plaintiff's 1st Amended Petition attached. (description of petition, e.g., "First Amended")

and with accompanying copies of Request for Disclosure & ECH. A-1-B. (additional documents, if any, delivered with the petition)

I certify that the facts stated in this return are true by my signature below on the day of May, 2014.

FILE: 6

By: (signature of officer)

Printed Name:

As Deputy for: (printed name of clerk or associate)

Affiant Other Than Officer

On this day, JACK ANDERSON JR., known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner stated on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this day of May, 2014.

Notary Public

with care

INTERPRETER

EXHIBIT C